IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1756 OF 2005

M/s.Sai Developers and Builders
through Proprietor, Shrikant Shantaram
Jadhav : Petitioner

V/s.

The Warna Sahakari Bank Ltd. & Ors. : Respondents

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Mr.M. Limaye for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

June 10, 2005.

P.C.:

1. The only contention raised on behalf of the petitioner is that his revision petition ought to have been entertained under section 154 of the Maharashtra Co-operaive Societies Act, 1960, hereinafter referred to as the "Act", without requiring him to deposit 50% of the amount as required under sub-section (2A) of the Act. This, according to the petitioner, was necessary since the issue of recovery certificate was ex parte. According to the learned counsel, in such a case, the petitioner ought

to have been heard without being asked to deposit 50% of the amount. There is no merit in this contention.

2. Section 154(2A) of the Act reads as follows:-

> "(2A) No application for revision shall be entertained against the recovery certificate issued by the Registrar under section 101 unless the applicant deposits with the concerned society, fifty per cent amount of the total amount of recoverable dues."

Deposit of fifty per cent of the total amount has been held to be mandatory by this Court in several decisions. There is no provision to relax the rule merely because the order against which revision is filed, is ex parte. A party is not relieved from making the deposit as required by the aforesaid provision. There is no merit in the petition which is hereby dismissed.

Sd/-

S.A. BOBDE, J.